

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VERONICA GUTIERREZ,
TIM FOX, ERIN WALKER and
WILLIAM SMITH, as
individual, and on behalf
of all others similarly
situated,

Plaintiffs,

Case No. CV-07-5923
WHA (JCSx)

vs.

CERTIFIED

WELLS FARGO & COMPANY;
WELLS FARGO BANK, N.A; and
DOES 1 through 125,

COPY

Defendants.

DEPOSITION OF ERIN WALKER
REDLANDS, CALIFORNIA
FRIDAY, JUNE 13, 2008

Reported By:
PATRICIA Y. SCHULER
RPR, CSR No. 11949
Job No. 89824

ERIN WALKER

06/13/08

1 A. No.

2 Q. Does anyone else even know you are here?

3 A. My mother.

4 Q. Have you discussed the subject matter with
5 this case with your mother?

6 A. No.

7 Q. Does she know you are involved in the case?

8 A. Yes.

9 Q. Does she know what it is about?

10 A. Yes.

11 Q. How does she know what it is about?

12 A. She was worried about my account.

13 Q. How did she come to be worried about your
14 account?

15 A. Well, obviously I had told her about it and
16 she had access to my -- online. So she knew about it,
17 and she wanted to help me.

18 Q. What did she do to help you?

19 A. She helped me find my counsel.

20 Q. Has she known your counsel before?

21 A. No.

22 Q. How did she help you find your counsel?

23 A. She set up a conference call.

24 Q. A conference call?

25 A. With my mother, I, and Mr. McCune.

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1 Q. When was that?

2 A. I want to say, like late September,
3 mid-September maybe of 2007.

4 Q. Did she organize the call?

5 A. Yes.

6 Q. What was said on the call?

7 A. Basically telling me about -- Mr. McCune was
8 telling me about how other people had been affected by
9 these overdraft fees.

10 Q. What did he say about the overdraft fees?

11 A. What specifically, I mean, I don't
12 understand.

13 Q. Well, what did he say?

14 A. What, about overdraft fees -- he did not,
15 like, explain overdraft fees.

16 Q. Well, you said he said how other people had
17 been affected by the overdraft fees.

18 What did he say on that subject?

19 MR. MCCUNE: If you remember.

20 THE WITNESS: I don't remember specifically
21 what he had said.

22 BY MS. WINNER:

23 Q. Do you remember anything he said?

24 A. He was just talking about how other people
25 had been affected like me, and that he needed people

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1 for a civil case, which I am interested in. This is
2 what it is.

3 Q. What else did he say?

4 A. I don't know specifically.

5 Q. Do you recall anything you said?

6 A. No.

7 Q. Did you say anything during the call?

8 A. I was listening, and I don't know if I said
9 anything at all, probably not much.

10 Q. Did your mother speak?

11 A. That I don't know.

12 Q. So it was just Mr. McCune talking? You
13 don't remember anybody saying anything except
14 Mr. McCune?

15 A. Well, there could have been interjections,
16 but I don't know as pertaining to what.

17 Q. What was the upshot of the call?

18 A. Can you rephrase that.

19 Q. There wasn't an agreement at the end of the
20 call about anything that was going to happen after
21 that?

22 A. There was an agreement, but Mr. McCune had
23 emailed me.

24 Q. He had emailed you already?

25 A. No, no, no, after the phone call.

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1 Q. He emailed you?

2 A. Yes.

3 Q. What did he say in the email?

4 A. He asked me if I was interested and sent me,
5 like, a client -- whatever, agreement thing.

6 Q. Did you read that agreement?

7 A. Yes, I did.

8 Q. What did you do then?

9 A. I signed it and faxed it back, or emailed
10 it.

11 Q. What did you understand that you were
12 agreeing to do at that point?

13 A. I was going to be representing a class. At
14 the time I don't know if there were other people
15 representing as well. That might have been about it
16 or a little more. I don't remember.

17 Q. Did you originally agree to be a member of a
18 class in a different lawsuit other than the one we are
19 here about today?

20 A. No.

21 Q. Were you aware that you had ever been
22 suggested as a potential class representative in a
23 different lawsuit?

24 A. No.

25 Q. What do you understand your role to be as a

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1 class representative in a lawsuit?

2 A. To represent a class and make sure that the
3 class as a whole is protected.

4 Q. How are you going to go about doing that?

5 A. With my counsel.

6 Q. Is there anything you expect that you will
7 do?

8 A. I am not sure what there is that I can do
9 except answer these questions and hope for a positive
10 outcome.

11 Q. Anything else you expect to do?

12 A. Make sure that this does not happen to other
13 people anymore.

14 Q. But is there anything else that you
15 personally expect to do?

16 A. That I don't know.

17 Q. What is the "that" that you say you are
18 going to make sure it does not happen to people
19 anymore?

20 A. Excessive overdraft fees.

21 Q. What do you mean by "excessive overdraft
22 fees"?

23 A. That which I am saying that excessive in the
24 manner that they don't seem fair.

25 Q. In what way do they not seem fair?

1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby certify:
3 That the foregoing proceedings were taken
4 before me at the time and place herein set forth; that
5 any witnesses in the foregoing proceedings, prior to
6 testifying, were duly sworn; that a record of the
7 proceedings was made by me using machine shorthand
8 which was thereafter transcribed under my direction;
9 that the foregoing transcript is a true record of the
10 testimony given.

11 Further, that if the foregoing pertains to
12 the original transcript of a deposition in a Federal
13 Case, before completion of the proceedings, review of
14 the transcript [] was [] was not requested.

15 I further certify I am neither financially
16 interested in the action nor a relative or employee
17 of any attorney or party to this action.

18 IN WITNESS WHEREOF, I have this date
19 subscribed my name.

20

21 Dated: JUN 20 2008

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PATRICIA Y. SCHULER
CSR No. 11949